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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,931	10/18/2004	Kenji Narumi	10873.156SUSWO	2525

7590 03/03/2009  
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MINNEAPOLIS, MN 55402

EXAMINER
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CHOW, VAN NGUYEN

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/511,931

**Applicant(s)**

NARUMI ET AL.

**Examiner**

VAN N. CHOW

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 63-68 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 63-68 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/22/2008 has been entered.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “performing recording at a first recording density and a second recording density that is higher than the first recording density” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 64 and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 64 and 66, recite "a first recording density and a second recording density that is higher than the first recording density", however, in the Instant Application discloses "In the present embodiment, an example is shown in which the number of elements of a correction table is differentiated for three types of recording density, namely a first, a second and a third recording density. The relationship between the recording densities is: (first recording density)>(second recording density)>(third recording density), which does not show a second recording density is higher than the first recording density. Moreover, Claims 64 and 66, recite "a first number of elements, which is the number of elements to be corrected when recording at the first recording density, is smaller than a second number of elements, which is the number of the elements to be corrected when recording at the second recording density, however, in the Instant Application discloses the number of elements in the correction table is 32 (for first recording density), and the number of elements in the correction table is 8 (for second recording density) (see [0106]). Therefore, they are unclear how to have a first recording density and a second recording density that is higher than the first recording density and a first number of

elements, which is the number of elements to be corrected when recording at the first recording density, is smaller than a second number of elements, which is the number of the elements to be corrected when recording at the second recording density.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 63, 65, 67-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoji et al. (6,101,159).

Regarding claim 63, Shoji et al. discloses an optical information recording method for recording information onto an optical information recording medium, the method comprising: a recording pulse correction step of correcting a predetermined number of elements in order to form a recording mark in a predetermined position (see fig. 4b, shows the tables before correction, wherein symbols 3S3M, 4S3M, and so forth in the tables in the Fig. 4a are type of address, and are indicative of the signal type as well as the value written to that address); wherein in the recording pulse correction step, the number of elements to be corrected is determined by a recording density of the optical information recording medium (see Fig. 4, wherein each length of the marks or spaces is determined by a recording density of the optical information recording medium. Note: the instance Application discloses there are two type of recording densities, one with a minimum length of 0.35.mu, and the second one with a minimum mark length of 0.55.m.u.).

Regarding claim 65, see rejection above of claim 63.

Regarding claim 67, discloses an information recording medium onto which the data are recorded by recording a mark by the optical information recording method according to claim 63 (see abstract and figs. 4, 5).

Regarding claim 68, discloses a reproducing method comprising: reproducing data by reading a mark recorded on a recording medium by the optical information recording method according to claim 63 (see abstract, col. 11, line 61- col. 12, line 4, and col. 13, lines 1-45).

***Allowable Subject Matter***

7. Claims 64 and 66 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

None of the references cited in record disclose or suggest all the limitations in the base claim and the method comprises performing recording at a first recording density and a second recording density that is higher than the first recording density, and wherein in the recording pulse correction step, a first number of elements, which is the number of elements to be corrected when recording at the first recording density, is smaller than a second number of elements, which is the number of the elements to be corrected when recording at the second recording density.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ide et al. (US 5,418,770)

Sakamoto et al. (US 5,005,164).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN N. CHOW whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/  
Examiner, Art Unit 2627